

DOCKETED

DEC 16 2004

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIMOTHY PARKER,

Plaintiff,

v.

**NICK GRAVES and SGT. CHRIS
SODERLUND,
individually,**

Defendants.

Case No.

Judge
JUDGE COULON

Magistrate Judge

MAGISTRATE JUDGE KEYS

Jury Demand

04C 8095

FILED-CCV
2004 DEC 15 AM 11:52
U.S. DISTRICT COURT
CLERK COULON

COMPLAINT

NOW COMES the Plaintiff, TIMOTHY PARKER, by and through his attorneys,
GREGORY E. KULIS AND ASSOCIATES LTD., and complaining against the Defendants,
NICK GRAVES and SGT. CHRIS SODERLUND individually, states as follows:

COUNT I-FALSE ARREST

1) This action is brought pursuant to the Laws of the United States Constitution,
specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress
deprivations of the Civil Rights of the Plaintiff and accomplished by acts and/or omissions of
the Defendants committed under color of law.

2) Jurisdiction is based on Title 28 U.S.C. §1343 and §1331.

3) The Plaintiff, TIMOTHY PARKER, at all relevant times was a United States
citizen and permanent resident of the State of Illinois.

4) The Defendant NICK GRAVES at the time of this incident was the Mayor of

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The Village of Harvey, Illinois.

5) The Defendant, SGT. CHRIS SODERLAND, was at all relevant times a duly appointed police officer of the Village of Harvey Police Department acting within his scope of employment and under color of law.

6) On or about December 21, 2002, the Plaintiff was outside of City Hall in Harvey, Illinois with some campaign workers who were working for an individual running for office.

7) Defendant Mayor Graves and the Plaintiff had words.

8) Mayor Graves then instructed SGT. CHRIS SODERLUND to arrest the Plaintiff despite no crime being committed.

9) The Plaintiff TIMOTHY PARKER was not committing any crimes or breaking any laws.

10) The Defendant SGT. CHRIS SODERLUND did not witness the Plaintiff committing any crime or break any laws.

11) There was no probable cause to arrest the Plaintiff TIMOTHY PARKER.

12) Said actions of Defendants, GRAVES and SODERLUND were intentional, willful, and wanton.

13) Said actions of the Defendants, constituted a violation of his Fourth Amendment Rights as protected by 42 U.S.C. §1983.

14) As a direct and proximate cause of the actions of Defendants' NICK GRAVES and SGT. CHRIS SODERLUND, the Plaintiff, TIMOTHY PARKER suffered fear, anxiety, pain, suffering, embarrassment and emotional distress.

WHEREFORE, the Plaintiff, TIMOTHY PARKER, prays for judgment of compensatory damages against the Defendants, NICK GRAVES and Sgt. CHRIS SODERLUND jointly and

severally in excess of FIFTEEN THOUSAND AND 00/100 (\$15,000.00) DOLLARS
and punitive damages in excess of TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS
plus attorneys fees and costs.

COUNT II -DEPRIVATION OF PROPERTY

1-11) The Plaintiff hereby realleges and incorporates his allegations of paragraphs 1-11 of Count I as his respective allegations of paragraphs 1-11 of Count II as though fully set forth herein.

12) The Plaintiff TIMOTHY PARKER was held for several hours and then released without being charged.

13) The Defendants GRAVES and SODERLAND, however confiscated the Plaintiff's identification, sheriff's badge, credentials and gun.

14) The Defendants refused to return the Plaintiff's Property.

15) The property of the Plaintiff was held without providing the Plaintiff due process.

16) The Plaintiff was a law enforcement Officer of the County of Cook.

17) The Defendants' failure to return the Plaintiff's property deprived the Plaintiff of his police powers as a law enforcement officer and his property.

18) As a result of the actions of the Defendants, the Plaintiff TIMOTHY PARKER suffered embarrassment, anxiety, pain and suffering and loss of property.

19) Said actions of the Defendants GRAVES and SODERLUND were intentional willful and wanton.

WHEREFORE, the Plaintiff, TIMOTHY PARKER, prays for judgment of compensatory damages against the Defendants, NICK GRAVES and SGT. CHRIS SODERLUND jointly and severally in excess of FIFTEEN THOUSAND AND 00/100 (\$15,000.00) DOLLARS and punitive damages in excess of TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS plus attorneys fees and costs.

COUNT III -FAILURE TO ALLOW LEGAL COUNSEL

1-11) The Plaintiff hereby realleges and incorporates his allegations of paragraphs 1-11 of Count II as his respective allegations of paragraphs 1-11 of Count III as though fully set forth herein.

12) After being taken into custody, the Plaintiff immediately requested a telephone to obtain an attorney.

13) The Plaintiff was refused a telephone call and an attorney.

14) Said actions violated his Constitutional Rights.

15) Said actions of the Defendants were intentional wilful and wanton.

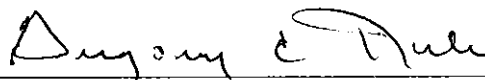
16) As a direct and proximate cause of the action of the Defendants, GRAVES and SODERLAND the Plaintiff suffered violations of his Constitutional Rights, fear, embarrassment, anxiety, pain and suffering.

WHEREFORE, the Plaintiffs, TIMOTHY PARKER, prays for judgment against the Defendants, NICK GRAVES and Sgt. CHRIS SODERLUND jointly and severally for compensatory damages in excess of TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS and punitive damages in excess of TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS plus attorneys fees and costs. Griveces

JURY DEMAND

The Plaintiff, TIMOTHY PARKER, requests a trial by jury.

Respectfully submitted,
TIMOTHY PARKER,

A handwritten signature in cursive script, appearing to read "Gregory E. Kulis", written over a horizontal line.

GREGORY E. KULIS
GREGORY E. KULIS AND ASSOCIATES, LTD.
Attorneys for the Plaintiff

GREGORY E. KULIS AND ASSOCIATES, LTD.
30 North LaSalle Street, Suite 2140
Chicago, Illinois 60602
(312)580-1830

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

01C 8095

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

TIMOTHY PARKER

JUDGE CONLON

DEFENDANTS

NICK GRAVES and SGT. CHRIS SODERLUND

DOCKETED

DEC 16 2004

MAGISTRATE JUDGE KEY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF COOK
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT COOK
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Gregory E. Kulis and Associates, Ltd.
30 N. LaSalle Street, Suite 2140
Chicago, IL 60602
(312) 580-1830

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| PTF | DEF | | PTF | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | | Incorporated or Principal Place of Business In This State | | |
| | | Incorporated and Principal Place of Business In Another State | | |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

VIOLATION OF 42 U.S.C. Section 1983

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NOVIII. This case ☒ is not a refiling of a previously dismissed action.☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

12/15/04

SIGNATURE OF ATTORNEY OF RECORD

Gregory E. Kulis

UNITED STATES DISTRICT COURT

1-2

UNITED STATES DISTRICT COURT JUDGE CONLON
NORTHERN DISTRICT OF ILLINOIS
MAGISTRATE JUDGE KEYS

TIMOTHY PARKER,
 Plaintiff,

In the Matter of v.

NICK GRAVES and SGT. CHRIS
 SODERLUND, individually

Case Number

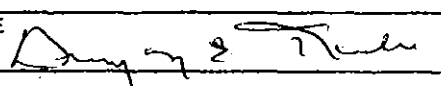
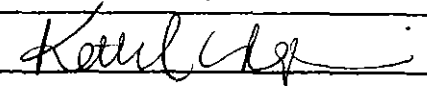
DOCKETED

DEC 16 2004

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

TIMOTHY PARKER

FILED-CD
 2004 DEC 15 11:52
 S. DISTRICT COURT

(A)	(B)
SIGNATURE 	SIGNATURE 
NAME Gregory E. Kulis	NAME Kathleen Coyne Ropka
FIRM Gregory E. Kulis and Associates	FIRM Gregory E. Kulis and Associates
STREET ADDRESS 30 N. LaSalle Street, Suite 2140	STREET ADDRESS 30 N. LaSalle Street, Suite 2140
CITY/STATE/ZIP Chicago, Illinois 60602	CITY/STATE/ZIP Chicago, Illinois 60602
TELEPHONE NUMBER 312/580-1830	TELEPHONE NUMBER 312/580-1830
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) state of Illinois 6180966	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE	SIGNATURE
NAME Shehnaz I. Mansuri	NAME
FIRM Gregory E. Kulis and Associates	FIRM
STREET ADDRESS 30 N. LaSalle Street, Suite 2140	STREET ADDRESS
CITY/STATE/ZIP Chicago, Illinois 60602	CITY/STATE/ZIP
TELEPHONE NUMBER 312/580-1830	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

1-3